

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**LUIS RAMIREZ, ET AL., ON BEHALF )  
OF HIMSELF AND ON BEHALF OF )  
OTHERS SIMILARLY SITUATED, )**

**PLAINTIFFS )**

**v. )**

**CIVIL No. 98-186-P-H**

**AUSTIN J. DECOSTER, D/B/A/ )  
DECOSTER EGG FARM, ET AL., )**

**DEFENDANTS )**

Hispanic, migrant employees, primarily of Mexican descent, sued the owners and operators of an egg farm for ethnic discrimination, fraud and breach of contract. The workers claimed that the egg farm purposefully recruited Hispanic laborers under false pretenses, prompted them to travel a great distance to Maine, and then discriminated against them onsite in the terms and conditions of employment and housing. On December 4, 2002, Judge Hornby approved a settlement award for distribution, totaling \$1,933,334 after payment of attorneys fees and expenses.

The plaintiffs' counsel successfully distributed approximately 98% of the award to the class members before July 5, 2005. Because of an inability to locate certain members of the migrant laborer plaintiff class, the parties agreed to use the *cy pres* doctrine to distribute the remainder of approximately \$28,000 to a Mexican charity. The plaintiffs' counsel designated "Centro de Estudios Fronterizos y Promoción de los Derechos Humanos, A.C."—an organization existing in the State of Tamaulipas, Mexico, endorsed as a nonprofit, nongovernmental organization committed to migrants' human rights by the Government of Mexico—and provided information about the charity to assure the Court that the money would go to a proper and dependable purpose. After giving the United States Department of State an opportunity to

present its position on the Court's allowance of the remaining funds to be distributed to the designated Mexican charity, (the State Department took no position), Judge Hornby reviewed the Plaintiffs' Final Settlement Summary and dispersed the unclaimed settlement funds as proposed.

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